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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,024	08/10/2006	Shinichi Nishida	1248-0691PUS1	4142
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EXAMINER KUMAR, SRILAKSHMI K				
ART UNIT 2629		PAPER NUMBER		
NOTIFICATION DATE 12/18/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/589,024

**Applicant(s)**

NISHIDA ET AL.

**Examiner**

SRILAKSHMI K. KUMAR

**Art Unit**

2629

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 8, 10 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 2, 4-7 and 11-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The following office action is in response to the preliminary amendment filed on August 10, 2006. Claims 1-20 are pending. Claims 3, 4, 10 and 11 have been amended.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 is rejected under 35 U.S.C. 101 as follows.

Claim 19 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled “Clarification of ‘Processes’ under 35 U.S.C. 101”). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim 19 is directed to “a control display program” which is directed to non-statutory subject matter as not being tangibly embodied in a manner so as to be executable. According to the USPTO Interim Guidelines for Patent Subject Matter Eligibility, computer programs are neither computer components nor statutory processes, as they are not “acts” being performed nor do they define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to

be realized. Therefore, a claim that recites language such as "A program...comprising..." is NOT statutory.

Applicant should note, however, that claims directed to a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer's functionality to be realized, and is thus statutory.

### ***Claim Objections***

2. Claims 3, 10 and 20 are objected to because of the following informalities:

Line 3 of **Claims 3 and 10** recite "the second poor reception information", however, there is a lack of antecedent basis as there is no teaching of "a second poor reception information" in these claims nor in the independent claims on which they depend. Appropriate correction is required.

Line 1 of **claim 20** recites "A computer readable recording medium", however, there is no support in the specification for this limitation. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-7 and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 4, applicant claims "storage means for storing display information indicating that the operation is invalid". It is unclear whether the storage means is the same

storage means taught in claim 1 or if it is a different storage means. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Ohgami et al (US PG-Pub 2003/0120742).

As to independent claim 17, Ohgami et al teach a display apparatus (item 6) for (i) wirelessly receiving at least a video signal so as to display an image, the display apparatus, comprising: recognition information signal detection means for detecting, from received signals, at least a recognition information signal for determining whether or not the display apparatus is identified with a wireless transmitting apparatus (paragraphs 0053, 0063-0071, 0075-0076).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3, 8, 10, 15, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al (US PG-Pub 2003/0120742) in view of Cho (GB 2 343 334).

As to independent claim 1, Ohgami et al teach a display apparatus (item 6) for wirelessly receiving at least (i) a recognition information signal for determining whether or not the display apparatus is identified with a wireless transmitting apparatus (paragraphs 0053, 0063-0071; 0074-0076) and (ii) a video signal, the display apparatus, comprising: wireless receiving means for receiving the recognition information signal (paragraph 0053-0099) and the video signal that are wirelessly transmitted (paragraph 0053-0099); detecting means for carrying out detection of the recognition information signal (paragraph 0053-0099, 157-159); display means for displaying an image in accordance with at least the video signal (paragraph 0053-0099, 157-159); storage means for storing display information indicating that it is not possible to receive a signal (paragraph 0053). Ohgami does not teach display control means for, when the video signal is not normally received, causing the display means to display one of a plurality of poor reception information that are based on the display information, the poor reception information of which the display control means causes a display differs according to a result of the detection carried out by the detecting means.

Cho teaches display control means for, when the video signal is not normally received, causing the display means to display one of a plurality of poor reception information that are based on the display information, the poor reception information of which the display control means causes a display differs according to a result of the detection carried out by the detecting means on pages 3, line 22 to page 9, lines 30 (where the poor reception information is displayed as a bar graph). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include the poor reception information as taught by Cho into Ohgami et al in order to provide a clear indication of successful communication (Cho, abstract title).

As to dependent claims 3 and 10, limitations of claim 1 and 8, and further comprising, wherein: Cho teaches the first poor reception information and the second poor reception information are displayed in different display formats (page 6, lines 5-25).

As to claims 15 and 16, see limitations of claims 1, 3, 8 and 10 above.

As to independent claim 18, this claim differs from claims 1 and 8, above only in that claim 18 is a method, whereas claims 1 and 8 are directed to an apparatus or device. Thus the method claim 18 is analyzed as previously discussed with respect to apparatus/device claims 1 and 8, above.

As to independent claim 19, this claim differs from claims 1 and 8, above only in that claim 19 is a control display program, whereas claims 1 and 8 are directed to an apparatus or device. Thus the program claim is analyzed as previously discussed with respect to apparatus/device claims 1 and 8, above.

As to dependent claim 20, limitations of claim 19, and further comprising, Ohgami et al teach a computer readable recording medium storing the display control program (paragraph 0053).

#### ***Allowable Subject Matter***

9. Claims 2, 4-7, 9, 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Srilakshmi K Kumar/  
Primary Examiner  
Art Unit 2629

SKK  
December 14, 2009